

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

**REVISION NO. 1 TO EXPANDED DEFAULT
PROCEDURES IN ROCHESTER AND WATKINS
GLEN TO INCLUDE MOTIONS AS INDEXED IN
EXHIBIT A**

STANDING ORDER

(A) MOTIONS IN GENERAL

Except as otherwise provided by rule or ordered by the Court, and except as provided in subdivision (B) immediately following, notices of motion along with supporting affidavits and memoranda shall be served on parties and filed with the Clerk at least five (5) days prior to the return date of the motion (eight days if served by mail). Motion dates may be obtained from the Clerk. Discretionary responses to motions (those not required by these rules or by order) shall be filed and served upon the adverse party or parties as soon as practicable.

**(B) REVISION NO. 1 TO EXPANDED DEFAULT PROCEDURES IN ROCHESTER AND WATKINS
GLEN AS INDEXED IN EXHIBIT A**

Motions listed on Exhibit A, index number one (1) through four (4), are returnable in Rochester and Watkins Glen and shall be served upon the parties as set forth in Exhibit A.

**(C) MOTIONS REFERENCED IN EXHIBIT A SHALL ALSO MEET THE FOLLOWING
REQUIREMENTS:**

(1) Motions shall include the below **default** statement in bold print.

**PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9014 AND THE
STANDING
ORDER ENTITLED, REVISION NO. 1 TO EXPANDED DEFAULT PROCEDURES IN
ROCHESTER AND WATKINS GLEN TO INCLUDE MOTIONS AS INDEXED IN EXHIBIT A ,
DATED JUNE 29, 1999: IF YOU INTEND TO OPPOSE THE MOTION, YOU MUST SERVE
THE APPROPRIATE PARTIES LISTED IN THE PARTIES SERVED COLUMN ON THE
APPROPRIATE EXHIBIT, WHICH IN ALL CASES REQUIRES OPPOSITION AT A
MINIMUM TO BE SERVED UPON THE MOVING PARTY AND ANY TRUSTEE IF THE
TRUSTEE IS NOT THE MOVING PARTY, AND FILE WITH THE CLERK OF THE
BANKRUPTCY COURT WRITTEN OPPOSITION TO THE MOTION NOT LATER THAN
THREE (3) BUSINESS DAYS PRIOR TO THE RETURN DATE OF THIS MOTION.
PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9006(a), SATURDAYS,
SUNDAYS AND LEGAL HOLIDAYS SHALL BE EXCLUDED FROM THE COMPUTATION OF
THE THREE (3) DAY RESPONSE TIME. IN THE EVENT NO WRITTEN OPPOSITION IS
SERVED AND FILED, NO HEARING ON THE MOTION WILL BE HELD BEFORE THE
COURT ON THE RETURN DATE, AND THE COURT WILL CONSIDER THE MOTION AS
UNOPPOSED.**

- (2) Motion papers shall prescribe to the special requirements as outlined on Exhibit A, which may be revised by the Court from time to time.
- (3) At least one day prior to the return date of the motion, the Court will accept a consent order and a request to substitute that consent order for the order which accompanied the original motion papers.
A cover letter must accompany a substitute consent order. The letter must clearly identify in bold the return date and time of the motion.
- (4) It is mandatory that motions referenced in this Standing Order be brought under the **default** procedure unless:
 - (a) It specifically states in Exhibit A that the **default** procedure is optional.
 - (b) The Court affirmatively waives the default procedure requirement on request of the movant; or,
 - (c) The matter is brought on shortened time, in which case the order shortening time should specifically provide that the matter will not be brought under the mandatory default procedure.
- (5) All responses, including opposition or withdrawal, must clearly identify in bold the return date and time of the motion.
- (6) Motion papers filed on or after August 4, 1999 in conjunction with the defaults referenced in subdivision (B) of this Standing Order shall conform to the above requirements.

D. THE DEFAULT STATEMENT IN SUBPARAGRAPH (C) (1) OF THIS STANDING ORDER AMENDS THE DEFAULT STATEMENT IN THE STANDING ORDER DATED JUNE 1, 1998, EXPANDED DEFAULT PROCEDURES IN ROCHESTER AND WATKINS GLEN TO INCLUDE MOTIONS AS INDEXED ON EXHIBIT A .

E. EXHIBIT B IS A COMPREHENSIVE LIST OF ALL DEFAULT PROCEDURES IN ROCHESTER AND WATKINS GLEN IMPLEMENTED BY THIS STANDING ORDER AND OTHER PRIOR STANDING ORDERS LISTED BELOW WHICH ARE STILL IN EFFECT:

- (1) §362(d) Motions in Chapter 7 and 13 Cases in Rochester and Watkins Glen , Standing Order dated August 5, 1992.
- (2) §522(f) Motions in Rochester and Watkins Glen , Standing Order dated March 9, 1993.
- (3) §554 Motions in Rochester and Watkins Glen , Standing Order dated March 9, 1993.
- (4) Revised Standing Order regarding §522(f) Motions in Rochester and Watkins Glen , dated April 13, 1993.
- (5) Federal Rule of Bankruptcy Procedure 3007 - Objections to Claims - Procedure in Rochester and Watkins Glen , Standing Order dated May 20, 1993.

- (6) §722 Motions in Rochester and Watkins Glen , Standing Order dated July 25, 1994.
- (7) §1229 and §1329 Modification Motions in Rochester and Watkins Glen , Standing Order dated July 26, 1995.
- (8) Expanded Default Procedures in Rochester and Watkins Glen to Include Motions as Indexed on Exhibit A , Standing Order dated June 1, 1998 with the exception of the default statement (C) (1) which is amended pursuant to this Standing Order.

F. EXHIBIT C IS A COMPREHENSIVE LIST OF DEFAULT STATEMENTS BY MOTION TYPE PURSUANT TO THE STANDING ORDERS REFERENCED IN PARAGRAPH E AND INCLUDES THE AMENDMENT TO THE DEFAULT STATEMENT PURSUANT TO PARAGRAPH (D).

IT IS SO ORDERED.

Dated: June 29, 1999

/s/ Michael J. Kaplan

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**MICHAEL J. KAPLAN
CHIEF, U. S. BANKRUPTCY JUDGE**

Dated: June 29, 1999

/s/ John C. Ninfo, II

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**JOHN C. NINFO, II
U.S. BANKRUPTCY JUDGE**

Dated: June 29, 1999

/s/ Carl L. Bucki

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**CARL L. BUCKI
U.S. BANKRUPTCY JUDGE**

